

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHARLES JAMES ATCITY,

Plaintiff,

v.

No. 20-cv-0515 LF/SMV

UNITED STATES OF AMERICA,

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. Plaintiff filed his original Complaint on May 28, 2020. [Doc. 1] at 1. Plaintiff had 90 days from filing the original Complaint, or until August 26, 2020, to effect service of process.¹ Fed. R. Civ. P. 4(m) (2015). To date, there is no indication on the record that service of process has been effected.

IT IS THEREFORE ORDERED that Plaintiff show good cause why his claims against the United States should not be dismissed without prejudice for failure to comply with the service provision of Rule 4(m). *See Espinoza v. United States*, 52 F.3d 838, 841 (10th Cir. 1995). Plaintiff must file his response no later than October 6, 2020.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge

¹ The filing of Plaintiff's Amended Complaint [Doc. 5] on July 1, 2020, does not change this deadline, because no new defendant was named in the amended pleading. *See Bolden v. City of Topeka*, 441 F.3d 1129, 1148–49 (10th Cir. 2006) (explaining that “‘service . . . upon a defendant within [90] days after the filing of the complaint,’ . . . refer[s] to filing of the first version of the complaint naming the particular defendant to be served”).